

**Notice of Allowability**

Application No.

09/652,001

Examiner

AARON J. LEWIS

Applicant(s)

KRASBERG, ALAN

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

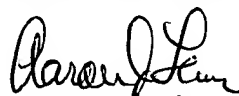
1. ☒ This communication is responsive to 09/03/2004 (AMENDMENT) AND 10/01/2004 (TELEPHONIC INTERVIEW).
2. ☒ The allowed claim(s) is/are 8-13, 15-22, 24-29, 31, 32, 38-50, 54-63, 65-68, 70, 71.
3. ☒ The drawings filed on 31 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)  
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.  
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)  
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.  
7. ☒ Examiner's Amendment/Comment  
8. ☒ Examiner's Statement of Reasons for Allowance  
9. ☐ Other \_\_\_\_\_.

  
Aaron J. Lewis  
Primary Examiner

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert E. Bushnell on 10/01/2004.

The application has been amended as follows: In claim 71, line 4, "...hydrogen..." has been deleted and —hydrocarbon fuel—has been substituted therefor; in line 6, "...hydrogen..." has been deleted and —hydrocarbon fuel—has been substituted therefor.

In claim 54, line 1, "...30..." has been deleted and —29—has been substituted therefor.

Non-elected claims 33,35-37,64,69 have been cancelled.

The amendment to claim 71 was made in order to more accurately and precisely point out what applicant intends to be the invention specifically with respect to the gases being administered to a patient.

The amendment to claim 54 was made in order to correct its dependency from cancelled claim 30 to live claim 29.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: the overall claimed combination of method of providing protection from reactive oxygen species

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comprising: providing a breathable composition of oxygen intentionally supplemented with at least one hydrocarbon fuel gas to an animal while the animal is surrounded by a gaseous environment and scavenging said reactive oxygen species with said fuel gas, is neither anticipated nor rendered obvious by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

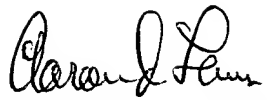
Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON J. LEWIS whose telephone number is (703) 308-0716. The examiner can normally be reached on 9:30AM-6:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY A. BENNETT can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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AARON J. LEWIS  
Primary Examiner  
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Aaron J. Lewis  
October 03, 2004